19/47. File No. Civil Court II 47

Legal DEPARTMENT
B BRANCH

Subject:— Rules and Notifications under the Bombay Civil Court Act, 1869.

N. 19:

File No. Civil Co

Std. Sectt. Slip 24 B e.

C O N T E N T S.

Legal Department File No. Civil Courts 11/47.

Sr. No.	Compilation No.	Subject	Pages
		Rules & Notifns. under to B'bay Civil Courts Act. 1869.	
1.	G.No. 781 22-1-47	Sec 21.22A.2 ---Notifn. under Sec. 21,22A,23- 25. -----Notifn. under	1-3 5
2.	G.No. 6764 1-7-47.	Sec. 21.22A. 23 ----Notifn. under Sec. 25. 21, 22A, 23 ----Notifn. under Sec. ~~21,22A,25~~ 25 ----Notifn. under	7-9 11 13
3.	G.No. 8823 30-8-47	Sec. 21.22A.23 Notifn. under Sec. 25 Notifn under	15-17 19
4.	R.D.No. 1651/5 30-10-56	Sec. 21.22A. 23. -----Notifn. under	21

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Office of the R.L.A.

Subject to the following remarks, in place of the proposed draft notifications at p. 73 , two revised draft notifications, one to be issued by Government and the other to be issued by the District Judge, Dharwar, are sent herewith.

(i) It is necessary to refer to section 21 of the Bombay Civil Courts Act, 1869.- 1869. in the first notification. The The revised draft notification provides accordingly.

(ii) Before they are issued, the blanks should be duly filled in by Home Department and the District Judge, Dharwar.

D.V. Vyas.

O.C. Remembrancer of Legal Affairs.

U.O. to P.W.D.No. 781, dated the 22nd January 1947.

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NOTIFICATION.

Home Department.
Bombay Castle, January 1947.

No. :- In exercise of the powers conferred by sections 21,2,4,23 of the Bombay Civil Courts Act, 1869(XIV of 1869), and in modification of Government Notification in the .....*..... Department No. . . .*. . . . dated the . . . . .*. . . . . 1947, the Government of Bombay is pleased to direct that with effect from the *

(a) there shall be a civil court subordinate to the District Court of Dharwar at Ranebennur with jurisdiction over the Ranebennur & Kod Taluka

(b) the local limits of the ordinary jurisdiction of the Civil Judge, Junior Divisi n, at Haveri shall extend only to the talukas of Haveri and Hangal; and

(c) the Civil Judges of Haveri and Ranebennur shall ordinarily hold their courts at Haveri and Ranebennur respectively.

By order of the Governor of Bombay

Secretary to Government.

Bombay Civil Courts Act. 1869.

* Here specify the No. & date of Notification fixing Jurisdiction of the Haveri court.

* the date to be filled by H.D.

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NOTIFICATION.

No. 1-In pursuance of the provisions paragraph 2 of section 25 of the Bombay Civil Courts Act. 1869 (XIV of 1869), and in modification of the his order No. 7219..... dated the . . . . .* . . . . . the District Judge, Dharwar, with the approval of the High Court, Bombay hereby assigns to the Civil Judge (senior Division.) Hubli, the local limits of the civil jurisdiction of the Courts at Hubli, Haveri and - Ranebennur within which he shall exercise his special Jurisdiction.

Bombay Civil courts Act. 1869.

* here specify the existing order assigning the limits of special jurisdiction.

District court, Dharwar.
194 .

District Judge .

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Before the draft notifications in question are scrutinized, H.D. is requested to clarify the following points:-

(1) The notification on p. 47 is sought to be issued in supersession of G.N. J.D.No. 294, dated the 16th January 1884. This notification has been issued under sections 21 and 23 of the Bombay Civil Courts Act, 1869. The notification provides inter alia that the Subordinate Judge at Thana shall be a Subordinate Judge of the First Class with special jurisdiction in the Thana District. None of the said sections 21 and 23 however fixes the special jurisdiction of a Subordinate Judge for which provision is made in section 25 of the Act. H.D. is therefore requested to state that is exactly meant by "special jurisdiction" in the said notification which as stated before is issued under sections 21 and 23.

(2) The ordinary jurisdiction of the Civil Judge (Senior Division), Thana, has been fixed under G.N. H.D.No. 1007/4-XII(1), dated the 21st September 1945. From this notification, it appears that the Civil Judge (S.D.), Thana, does not exercise any ordinary jurisdiction in the Alibag Taluka of the Kolaba district. H.D. is therefire requested to state whether any Civil Judge. (S.D.) exercises ordinary jurisdiction in the Alibag taluka at present and if so, the notification fixing his jurisdiction in that behalf.

(3) From the H.D. draft at p. 47 ante it will appear that the ordinary jurisdiction of the Civil Judge (S.D.). at Alibag will be confined to the Alibag taluka only; while that of the Civil Judge (S.D.) at Thana will be confined to the areas specified in G.N. H.D.No. 1007/4-XII-(I), dated the 21st September 1945. H.D. is therefore requested to state whether the above limits of the ordinary jurisdiction of the two Civil Judges (S.D.) exhaust between them the whole of the area

S.A.K.

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included within the judicial district of Thana and Kolaba.

(4) Under the propos d notification at p. 51 ante. the special jurisdi tion of the Civil Judge (S.D.). Alibag. extends to all talukas except Panvel and Karjat talukas and villages in Khalapur t luka which are in the ordinary jurisdiction of the Court of the Civil Judge (Junior Division). Pen. "All talukas" presumbly refer to all talukas in the Kolaba district. If so. H.D. is requested to state why it isnecessary to refer specifically to villages in Khalapur taluka which are in theordinary jurisdiction of the Court of the Civil Judge (Junior Division). Pan?.

Sd/- R.T.K.
for Remembrancer of Legal Affairs.

U.R. to H.D.No. 6764. dated the 1st July 1947.

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NOTIFICATION
Home Department

Bombay Castle, June 1947.

Bombay Civil Courts Act. 1869

No. 16 9/ In exercise of the powers conferred by sections 21, 22A, and 23 of the Bombay Civil Courts Act, 1869 (Bom. XIV of 1869), and in supersession of Government Notification in the Judicial Department No. 294, dated the 16th January 1884, directing that the subordinate Judge of Thana shall be Subordinate Judge of the first class with special jurisdiction, the Government of Bombay is pleased to direct that with effect from the * June 1947.

*To be filled in N.D.

(i) there shall be separate civil courts subordinate to the District Court of Thana at Thana and Alibag, respectively;

(ii) each of the said courts shall be presided over by a Civil Judge (Senior Division), who shall hold his Court at Thana and Alibag, respectively;

(iii) the local limits of the ordinary jurisdiction of the Civil Judge (Senior Division), Thana, shall be as fixed by Government Notification in the Home Department No. 1097/4-XII(i), dated the 21st September 1945 and those of the Civil Judge (Senior Division), Alibag, shall be all villages in the Alibag Taluka.

By order of the Governor of Bomb

Secretary to Government.

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NOTIFICATION.

Home Department.
Bombay Castle. June 1947.

Bombay Civil Courts. Act. 1869.

No. 1659/5:-In exercise of the powers conferred by sections 21, 22A, and 23 of the Bombay Civil Courts Act, 1869, (XIV of 1869), the Government of Bombay is pleased to direct that with effect from the * June 1947.

* To be filled by H.D.

(i) there shall be a civil Court subordinate to the District Court of Thana, at Alibag;

(ii) the said court shall be presided over by a Civil Judge (Senior Division), who shall hold his Court at Alibag;

(iii) the local limits of the ordinary jurisdiction of the Civil Judge (Senior Division), Alibag, shall be all the villages in the Alibag Taluka of the Kolaba distric

By order of the Governor of Bombay.

Secretary to Government.

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Office of the P.L.A.

Two revised draft notifications in place of H .D. draft notifications at pages 47 & 51 are sent herewith.

It appears from these papers that the intention is that the civil Judge (Senior Division) Thana should exercise special jurisdiction over all talukas in the Thana District and also over the talukas of Panvel and Karjat of the Kolaba District together with the 115 villages of the Khalapur Taluka in the Kolaba District which are within the ordinary jurisdiction of the Civil Judge (Junior Division) Panvel . If so. it would be necessary to exclude the two talukas of Panvel and Karjat and the villages of the Khalapur Taluka which are within the ordinary jurisdiction of the Civil Judge (Junior Division) Panvel from the special jurisdiction of the Civil Judge (Senior Division), Alibag. The Civil Judge (Senior Division) Alibag will then exercise special jurisdiction over all the talukas of the Kolaba District minus the two talukas of Panvel and Karjat and the villages of the Khalapur Taluka referred to. The revised draft notification No. II provides accordingly. Under the revised draft notification the limits of the special jurisdiction of the Civil Judge (Senior Division) Alibag will include the remaining villages of the Khalapur Taluka which are within the ordinary jurisdiction of the Civil Judge (Junior Division) Pen.

The Home Department should verify whether the revised draft notifications carry out its intentions. The Home Department will no-doubt show them to the High Court before they are issued .

Sd/- P.M.Lad..
29-8

O.C. Remembrancer of Legal Affairs.

U.R. to H.D. No. 5823. dated the 30th August 1947.

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NOTIFICATION.
Home Department.
Bombay castle. 1947.

Bombay Civil courts Act. 1869.

No. 1659/51- In exercise of the powers conferred by sections 21, 22A, and 23 of the Bombay Civil Courts Act. 1869(XIV of 1869). the Government of Bombay is pleased to direct that with effect from the * 1947.

* To be filled by H.D.

(i) there shall be a Civil Court subordinate to the District Court of Thana at Alibag:

(ii) the said Court shall be presided over by a Civil Judge (Senior Division). who shall hold his Court at Alibag:

(iii) the local limits of the ordinary jurisdiction of the Civil Judge (Senior Division). Alibag. shall be all the villages in the Alibag Taluka of the Kolaba district.

By order of the Governor of Bombay.

Secretary to Government.

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II

NOTIFICATION.

The Bombay Civil Courts Act, 1869.

No. 1-In pursuance of the provisions of paragraph 2 of section 25 of the Bombay Civil Courts Act, 1869, (XIV of 1869), the District Judge, Thana, with the approval of the High Court, Bombay hereby assigns to each of the Civil Judges specified in column 1 of the Schedule hereto annexed, the local limits specified opposite to each of them in column 2 thereof within which he shall exercise exercise special jurisdiction.

SCHEDULE.

Civil Judges.	Local Limits.
1.	2.
Civil Judge (Senior Division). Thana.	All Talukas in the Thana District, the Talukas of Panvel and Karjat of the Kolaba District and the villages of Khalapur Taluka of the Kolaba District which are within the limits of the ordinary jurisdiction of the Civil Judge (Junior Division), Panvel.
Civil Judge (Senior Division). Alibag.	All the Talukas of the Kolaba District excluding (i) Panvel and Karjat talukas. and (ii) the villages of the Khalapur taluka which are within the limits of the ordinary jurisdiction of the civil Judge (Junior Division.) Panvel.

District Court,
Thana, ...194 ..

District Judge, Thana.

S.A.K.
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